

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

IN ADMIRALTY

SWEET CAROLINE MARINE, LTD
a Republic of the Marshall Islands Corporation,

Case No. 23-CV-61754-DMM

Plaintiff,

v.

M/Y SWEET CAROLINE, her engines, machinery, tackle, apparel, boats, furniture, equipment, rigging, freights, and all other necessary appurtenances, etc., *in rem*, and AVYC, LLC, a Republic of the Marshall Islands Corporation, *in personam*.

Defendants.

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MOTION FOR RELEASE OF A VESSEL FROM ARREST

Comes now Plaintiff, SWEET CAROLINE MARINE, LTD (“Sweet Caroline”) by and through undersigned counsel and in accordance with Supplemental Rule E(5) and Local Admiralty Rule E(8)(b), hereby requests this Court to enter an Order directing the United States Marshal for the Southern District of Florida to release the vessel. This request is made for the following reasons:

1. On November 2, 2023, the SWEET CAROLINE MARINE, LTD was arrested and seized by the U.S. Marshal in accordance with a Warrant of Arrest and placed in custody of the Court. *See [DE -11], Warrant for Arrest Executed.*
2. The parties have reached an agreement and Plaintiff requests that this Court issue an Order to the U.S. Marshal to release the SWEET CAROLINE MARINE, LTD back to her owners.
3. A Draft Order is attached to this Motion.

WHEREFORE, Plaintiff Sweet Caroline respectfully requests this Court to issue an Order instructing the U.S. Marshal to release SWEET CAROLINE MARINE, LTD back to her Owners.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the foregoing was served via transmission of Notice of Electronic Filing generated by CM/ECF this 28th day of November, 2023, to all counsel of record.

Dated: November 28, 2023

Respectfully submitted,

/s/ Nicholas J. Zeher

Nicholas J. Zeher, Esq. (Fla. Bar No. 1003565)

Robert E. Machate, Esq. (Fla. Bar No. 1003050)

ROBERT ALLEN LAW

The Four Seasons Office Tower

1441 Brickell Avenue, Suite 1400

Miami, Florida 33131

Tel.: (305) 372-3300

Fax: (305) 379-7018

Email: nzeher@robertallenlaw.com

rmachate@robertallenlaw.com

litigation@robertallenlaw.com

Counsel for Plaintiff

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Defendant.

**ORDER DIRECTING THE RELEASE OF A VESSEL
IN ACCORDANCE WITH SUPPLEMENTAL RULE E(5)**

This matter is before the Court on Plaintiff, SWEET CAROLINE MARINE, LTD's Motion for Release of a Vessel and Plaintiff's Notice of Dismissal in accordance with Supplemental Rule E(5) and Local Admiralty Rule E(8)(b) (the "Motion") [DE -]. Upon consideration, it is ORDERED:

1. The Motion is **GRANTED**;
2. In accordance with Supplemental Rule E(5) and Local Admiralty Rule E(8)(a), and pursuant to the motion, the United States Marshal and Substitute Custodian holding the vessel, SWEET CAROLINE MARINE, LTD are directed to release SWEET CAROLINE MARINE, LTD and any other property being held in custody in this action to the Owner, AVYC, LLC or its authorized agent.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida this ____ day of November, 2023.

HON. DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel via CM/ECF